

REMARKS

This is responsive to an Office Action mailed on December 2, 2004. In the Office Action, the Examiner rejected claims 9-16 and claim 19, objected to claims 7, 12, 19, and 20 and allowed claims 1-6, 8, 17 and 18. In this amendment, claim 19 is amended. The application currently includes claims 1-21.

The Examiner has objected to the drawing because reference character 73 is not included in the drawing while being mentioned in the detailed description. Applicant has modified Figure 2 to include reference character 73 and is including a substitute formal drawing of Figure 2 herewith. With the submission of substitute Figure 2, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

Applicant has also amended the specification to include the title as suggested in the Office Action. However, Applicant respectfully disagrees with the objection to claims 7, 12 and 20 with respect to the word "and". The word "and" separates the invention defined in the claim upon which the objected to claim depends and the additional elements defining the invention in claims 7, 12 and 19. Therefore, Applicant believes the word "and" is necessary to define the invention in claims 7, 12 and 20 and Applicant respectfully requests that the Examiner withdraw the objections to claims 7, 12 and 20.

The Examiner rejected independent claim 19 as being anticipated by U.S. Patent No. 4,526,355 issued to Moore et al. (hereinafter the Moore patent). The Examiner alleges that the Moore patent discloses an apparatus 10 for knee arthroscopy including a support 26 mounted to a surgical table with first and second arms (36, 40) wherein a first arm has a flexible strap 76 extending between the distal end portions of the support arm.

Applicant respectfully disagrees that claim 19 (Amended) is anticipated by the Moore patent. An element of amended claim 19 amended defines the present invention as having a flexible strap

extending between the distal end portions of the support arms. This element is not present in the Moore patent.

The Moore patent does not disclose a strap extending between the pads 40. The Moore patent discloses a strap 76 that is connected to a base plate 80 which runs over the top of the base plate and has ends which are turned under the plate. The opposite edge 84 has a composition pile pad 86 fastened thereto, which cooperates with a composition hook pad 88 secured to the outside top of the medial pad. (See Col. 4, lines 4-10). The Moore patent does not disclose the strap 76 extending between the distal end portions of the pads 36 and 40 which are alleged by the Examiner to be first and second support arms.

The Moore patent does not disclose each and every element of claim 19. Therefore, the Moore patent does not anticipate claim 19. Reconsideration and allowance of claim 19 are respectfully requested.

The Examiner also rejected claim 19 as being anticipated by U.S. Patent No. 5,645,079 issued to Zahiri et al. (hereinafter the Zahiri patent). The Examiner alleges that the Zahiri patent discloses an apparatus 10 including a support 30 mounted to a surgical table having first and second support arms (66,82) wherein each arm is provided with flexible straps (67, 83) extending between the distal end portions of each support arm.

Applicant respectfully disagrees that claim 19 (Amended) is anticipated by the Zahiri patent. An element of amended claim 19 defines the present invention as having a flexible strap extending between the distal end portions of the support arms. This element is not present in the Zahiri patent.

The Zahiri patent does not disclose a strap extending between the foot holder 82 and the thigh holder 63. The Zahiri patent discloses an upper thigh holder 63 having a lower U-shaped thigh support holder 66 and an upper U-shaped thigh support holder that are retained together by a strap and buckle type

fastener 67. The Zahiri patent also discloses a foot holder 82 that is secured to the ankle and foot of the patient with straps and buckle type fasteners 83. The Zahiri does not disclose a flexible strap extending between the first and second support arms alleged to be the upper thigh holder 63 and the foot holder 82.

The Zahiri patent does not disclose each and every element of claim 19. Therefore, the Zahiri patent does not anticipate claim 19. Reconsideration and allowance of claim 19 are respectfully requested.

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being obvious over Grieshaber U.S. Patent No. 4,813,401 (herein after the Grieshaber patent) in view of Michelson U.S. Patent No. 5,662,300 (hereinafter the Michelson patent). The Examiner alleges that the Grieshaber patent discloses the use of a plurality of retractor blades 26 rigidly mounted to a rail B of a surgical table A depending upon the size and location of the incision and the physical dimensions of the patient. The Examiner alleges that the Michelson patent discloses a retractor having a blade and a gooseneck or "flexible" portion 260 for ease of adjustment, the flexible portion having a flexible cord 262. The Examiner then alleges that it would have been obvious to one of ordinary skill in the art at the time that the invention was made to have provided one or more retractors having a flexible portion, as taught by the Michelson patent, in view of the Grieshaber apparatus for ease of adjustment of a blade 26.

Applicant respectfully disagrees that claim 9 is made obvious by the Grieshaber patent in view of the Michelson patent.

The Michelson patent discloses a gooseneck retractor holder that has a series of gooseneck buttons 272 surrounding a cable 262. (Col. 6, lines 4-6). With the cable 262 in a relaxed state, the gooseneck buttons 272 are able to slide and articulate with respect to each other, such that the gooseneck portion 260 may be

bent, formed or rotated into a number of positions. (Col. 6, lines 22-25). However, when the cable is at full tension, the gooseneck buttons are firmly locked with a controller and the tip of the gooseneck secures an instrument such as a retractor. (Col. 2, lines 35-42). Also, the Michelson patent discloses that turning the bolt increases the friction between the articulating gooseneck segments so that the segments remain in place. (Col. 2, lines 39-42).

Therefore, the Michelson patent discloses a rigid or fixed gooseneck arm when the cable is pulled into full tension to secure a retractor or instrument in a selected position. An arm that is fixed into a rigid configuration cannot flex sufficiently so that the tibia may be moved during the surgery as claimed in claim 9.

The Grieshaber patent in view of the Michelson patent does not disclose each and every element of claim 9. Therefore the Greishaber patent in view of the Michelson patent do not make claim 9 obvious. Reconsideration and allowance of claim 9 are respectfully requested.

Claims 10-16 depend from independent claim 9. Since independent claim 9 is in allowable form, claims 10-16, which depend from independent claim 9, also are also in allowable form.

Reconsideration and allowance of claims 10-16 are respectfully requested.

CONCLUSION

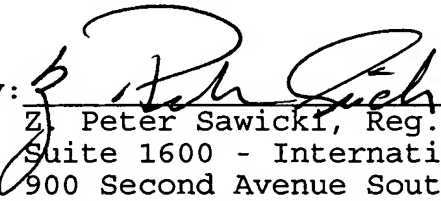
For the above mentioned reasons, the present application is in allowable form. Reconsideration and allowance of the rejected claims and allowance of the application are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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